



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

January 23, 1991

Mr. James B. Bond
Deputy Chancellor and
General Counsel
Texas A&M University System
College Station, Texas 77843-1230

OR91-038

Dear Mr. Bond:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. You submitted two requests for information about a professor who was denied tenure. Your requests were assigned ID#'s 10097 and 10145.

We have considered the exception you claimed, specifically 3(a)(3), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information. If, however, the records become available to the opposing party in the litigation, by discovery or otherwise, they will no longer be within the section 3(a)(3) exception. Open Records Decision No. 349 (1982). Moreover, the protection of section 3(a)(3) ordinarily ceases once the litigation comes to an end. See generally Open Records Decision No. 245 (1980).

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-038.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

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Ref.: ID# 10097, 10145, 10581

Enclosure: Open Records Decisions Nos. 245, 349, 551

cc: Cynthia Alksne
Assistant Attorney General

Scott Kelly
Assistant General Counsel
Texas A&M University System
College Station, Texas 77843-1116

Daniel Hernandez
Assistant General Counsel
Texas A&M University System
College Station, Texas 77843-1116

David Crisp
Managing Editor
Bryan-College Station Eagle
P.O. Box 3000
Bryan, Texas 77805